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PAULEY CONSTRUCTION, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SIFA TUIAKI and LUPE TUIAKI,

Plaintiffs,

v.

PACIFIC GAS AND ELECTRIC
COMPANY, PAULEY
CONSTRUCTION, INC., TRAFFIC
SOLUTIONS, INC., ADELPHIA
TELECOMMUNICATIONS CO., INC.,
SBC TELECOMMUNICATIONS, INC.,
MOBILE TOOL INTERNATIONAL, INC.
dba TELSTA, COUNTY OF
MENDOCINO, STATE OF
CALIFORNIA, PACIFIC BELL
TELEPHONE COMPANY, PACIFIC
TELESIS GROUP, SBC OPERATIONS,
INC., and DOES 1 to 50,

Defendants.

AND RELATED CROSS-ACTION.

CASE NO.: C07 2257 JCS

**PAULEY CONSTRUCTION, INC'S.
REQUEST FOR JUDICIAL NOTICE RE:
MOTION TO REMAND TO STATE
COURT [28 U.S.C. §1447(c)]**

Date: June 15, 2007
Time: 9:30 a.m.
Location: Courtroom A, 15th Floor
Judge: Magistrate Judge Joseph C. Spero

**TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA:**

Pursuant to Federal Rule of Evidence 201(b), NOW COMES Pauley Construction, Inc.
("Pauley") by and through its attorneys, Clapp, Moroney, Bellagamba and Vucinich, and request that

1 this Court take Judicial Notice of the files, including the following specified pleadings and documents
 2 from, *Sifa Tuiaki and Lupe Tuiaki v. Pacific Gas and Electric Company, et al.*, San Francisco Superior
 3 Court Case No. CGC-03-419761 (Consolidated with 04-432476), that establish that Adelphia
 4 Communication Corporation's ("Adelphia") Notice of Removal is tardy:

5 1. Pauley's Motion for Judgment on the Pleadings against Adelphia's Cross-complaint,
 6 filed on January 9, 2007, in the San Francisco Superior Court Action No. CGC-03-419761
 7 (Consolidated with 04-432476).

8 2. Pauley's Reply to Adelphia's Opposition to Pauley's Motion for Judgment on the
 9 Pleadings, filed on February 6, 2007, in the San Francisco Superior Court Action No. CGC-03-419761
 10 (Consolidated with 04-432476).

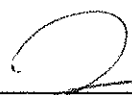
11 3. San Francisco Superior Court Order granting Pauley's Motion for Judgment on the
 12 Pleadings against Adelphia's Cross-complaint, filed on February 13, 2007, in the San Francisco
 13 Superior Court Action No. CGC-03-419761 (Consolidated with 04-432476).

14 4. June 14, 2004, Stipulation and Agreed Order Granting Sifa and Lupe Tuiaki Partial
 15 Relief From the Automatic Stay To Initiate Action Against Third Party Insurance Proceeds in the
 16 United States Bankruptcy Court, Southern District of New York Case No. 02-41729(REG).

17 Courts may take judicial notice of facts "[g]enerally known within the territorial jurisdiction
 18 of the trial court, or... [c]apable of accurate and ready determination by resort to sources whose
 19 accuracy cannot reasonably be questioned." (F.R.E. 201(b).) The docket entries noted above are
 20 readily available through the San Francisco Superior Court web site <http://www.sftc.org/> and easily
 21 verifiable by this Court.

22 DATED: May 14, 2007

CLAPP, MORONEY, BELLAGAMBA
 and VUCINICH

23
 24 By: 
 25 JEFFREY M. VUCINICH
 26 JOSHUA W. ROSE
 27 Attorneys for Defendant/Cross-Complainant/
 Cross-Defendant
 28 PAULEY CONSTRUCTION, INC.